

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, April 27, 2005

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: None.

Representative Condino moved to adopt the minutes of the **April 20, 2005** meeting. The motion was supported by **Representative Elsenheimer**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 4161** before the committee:

HB 4161	Pastor	Family law; child custody; provision regarding presumption of custody in acknowledgment of parentage act; repeal.
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TESTIMONY

Darren Binkley, representing Voices for Children PAC, opposed the legislation.

Daniel Diebolt, representing himself, supported the legislation.

Ron Hicks, representing the Department of Human Services, held no position on the legislation.

Brett Frye, representing the Family Rights Coalition PAC, held no position on the legislation.

Kathy Hagenian, representing the Michigan Coalition Against Domestic Sexual Violence, expressed concerns regarding the legislation.

Bill Kandler, representing the Family Law Section and State Bar, opposed the legislation.

Representative Nofs moved to adopt the **(H-2)** substitute to **HB 4161**. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **13-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, McConico, Bieda,

Nays: Representative Virgil Smith,

Pass: None.

Representative Elsenheimer moved to report **HB 4161** with recommendation, as substitute **(H-2)**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **12-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, McConico, Bieda,

Nays: Representative Virgil Smith

Pass: None.

Chairman Van Regenmorter laid **HB's 4614, 4615, and 4616** before the committee:

HB 4614	Newell	Vehicles; off-road; operation of an off-road vehicle by certain individuals under the influence of or visibly impaired by alcohol or a controlled substance; prohibit.
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HB 4615	Schuitmaker	Watercraft; other; operation of a watercraft by individuals with a high blood alcohol level or with certain controlled substances; prohibit.
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HB 4616	Condino	Vehicles; snowmobiles; operation of a snowmobile by certain individuals under the influence of alcohol or a controlled substance; prohibit.
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TESTIMONY

Sgt. Matt Bolger, representing the Michigan State Police, supported the bills.

Lance Binoniemi, representing the Michigan Licensed Beverage Association, opposed the bills.

Phil Hoffman, representing the Michigan Sheriffs' Association, supported the bills.

Representative Newell moved to report **HB 4614** with recommendation. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **12-0-2**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda,

Nays: None,

Pass: Representatives McConico and Virgil Smith.

Representative Elsenheimer moved to report **HB 4615** with recommendation. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **13-0-2**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda,

Nays: None,

Pass: Representatives McConico and Virgil Smith.

Representative Condino moved to adopt the **(H-1)** substitute to **HB 4616**. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda, and Virgil Smith,

Nays: None,

Pass: None.

Representative Condino moved to report **HB 4616** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **13-0-2**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda,

Nays: None,

Pass: Representatives McConico and Virgil Smith.

Chairman Van Regenmorter laid **HB 4544** before the committee:

HB 4544 Elsenheimer Vehicles; equipment; provisions regarding possession of a scanner capable of receiving police frequencies in a motor vehicle; clarify.

TESTIMONY

Chris Kindsvatter, representing the Michigan Court Officers and Deputy Sheriffs' Association, supported the legislation.

David Newman, representing the Michigan Department of Corrections, held no position on the legislation.

Sgt. Matt Bolger, representing the Michigan State Police, supported the legislation.

Dale Williams, representing the American Radio Relay League, supported the legislation.

Phil Hoffman, representing the Michigan Sheriffs' Association, supported the legislation.

Representative Elsenheimer moved to adopt the **(H-1)** substitute to **HB 4544**. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, McConico, Bieda, and Virgil Smith,
Nays: None,
Pass: None.

Representative Jones moved to adopt the following amendments to **HB 4544 (H-1)**. The motion was supported by **Representative Elsenheimer**.

1. Amend page 2, line 19, by striking out all of subsection **(4)**.
2. Amend page 2, following line 21, by inserting:
"Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.".

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda, and Virgil Smith,
Nays: None,
Pass: None.

Representative Jones moved to report **HB 4544** with recommendation, as substitute (**H-2**). The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda, and Virgil Smith,
Nays: None,
Pass: None.

Chairman Van Regenmorter laid **HB 4133** before the committee:

HB 4133 Mortimer Civil procedure; service of process; prohibition of process service on Sunday and election day; repeal.

Representative Jones moved to refer **HB 4133** to the Committee on Local Government. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Adamini, Bieda, and Virgil Smith,
Nays: None,
Pass: None.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:35 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Ben Williams Jr.
Committee Clerk
517-373-7256
1 Hour and 5 minutes